

Remarks

I. Interview Summary

Applicants wish to thank the Examiner for considering the issues raised in the May 29, 2008 Office Action during the interview on July 15, 2008.

During the interview, the Examiner and Applicants' attorneys discussed the cited prior art and claim amendments that would distinguish the prior art. The claim amendments discussed in the interview are reflected above. The remainder of the substance of the interview is further reflected below.

Applicants believe the application is now in a condition for allowance and appreciate the Examiner's due consideration of the amendments above and the following comments.

II. Introduction

Claims 48-76 are pending in the application, including independent claims 48 and 50. In the Office Action dated May 29, 2008, claims 48-51, 55-57, 60, 62-65, 69-71, and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,258,117 ("Camrud"), in view of U.S. Pat. No. 7,329,276 ("Smith"). Claims 52-54, 58, 59, 61, 66-68, 72, 73, 75, and 76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Camrud in view of U.S. Pat. No. 6,350,277 ("Kocur").

Applicants have carefully considered the Examiner's comments. In order to expedite prosecution of Applicants' claims, claims 48, 50, 59, 61, 62, 64, 75, and 76 have been amended, and new claims 77 and 78 have been added. Claims 58, 72, and 73 have been cancelled. Applicants respectfully request reconsideration and withdrawal of the rejections in light of the amendments to the claims and the following remarks.

III. The Proposed Combination Does Not Render Claim 48

Unpatentable

Independent claim 48 was rejected as being unpatentable over Camrud in view of Smith. As amended, claim 48 recites with underlining for emphasis:

a plurality of substantially cylindrical ring structures, wherein each ring structure extends completely around a circumference of the stent, and each ring structure comprises a plurality of strut members and a plurality of bends, said strut members and bends forming a substantially zigzag pattern; and at least one connector member joining two of said ring structures when said stent is in an unexpanded state, said connector member being curved along a direction of a longitudinal axis of the stent and extending across a space separating adjacent ring structures, said connector member comprising a first end directly joined to one of said plurality of bends of one ring structure and a second end directly joined to one of said plurality of bends of an adjacent ring structure, wherein said at least one connector member is biodegradable along an entire length thereof between said first end and said second end and is adapted to biodegrade when said stent is in an expanded state so that said two ring structures become substantially disjoined.

Camrud fails to teach or suggest at least these elements. As discussed during the interview of July 15, Camrud discloses a plurality of narrow stent sections 12, 14, 16, 18, 20 having rod-like elements 70, 72, 74, 76, 82 as connecting members. Col. 8, ll. 13-19, 33-43; Figs. 4C, 5A-B. The rod-like elements 70, 72, 74, 76, 82 act as stabilizing members that extend outward from the stent sections 12, 14, 16, 18, 20 and that engage the inner wall of the body lumen to resist axial tumbling of the respective stent section. Id. The rod-like elements 70, 72, 74, 76, 82 may be connected to each other with biodegradable material 90. Col. 8, ll. 44-57; Figs. 4C, 5A-B. Thus, Camrud teaches rod-like connecting members 70, 72, 74, 76, 82 that are not biodegradable. The only biodegradable portion disclosed in Figs. 4c and 5A-B is material 90. However, material 90 is not directly joined to adjacent ring structures that form a zigzag pattern. Camrud explicitly states that the rod-

like elements 70, 72, 74, 76, 82 are connecting members between stent sections. Col. 8, ll. 13-19, 33-43. It is the rod-like connecting members that are connected by biodegradable material 90- not the stent sections themselves.

Thus, Camrud necessarily does not disclose, and in fact teaches away from, at least one connector member joining two ring structures, wherein the connector member is directly joined to each of adjacent ring structures and extends across a space separating adjacent ring structures, and wherein the connector member is biodegradable along an entire length thereof. However, in order to expedite prosecution, Applicants have further clarified claim 1 to recite that the ring structures comprise a plurality of strut members and a plurality of bends, said strut members and bends forming a substantially zigzag pattern. Amended claim 1 further recites that a first end of the connecting member is directly joined to one of the plurality of bends of one ring structure and a second end of the connecting member is directly joined to one of the plurality of bends of an adjacent ring structure. As discussed above, Camrud fails to teach at least these elements. Moreover, the combinations of Camrud and Smith as contemplated by the Examiner also fail to teach at least these elements, and therefore do not render independent claim 48, or any claim that depends on claim 48, unpatentable.

IV. The Proposed Combination Does Not Render Claim 50 Unpatentable

Independent claim 50 was also rejected as being unpatentable over Camrud in view of Smith. As amended, claim 50 recites with underlining for emphasis:

a plurality of substantially cylindrical ring structures comprising a plurality of strut members and a plurality of bends, said strut members and bends forming a substantially zigzag pattern; and

at least one connector member joining two of said ring structures when said stent is in an unexpanded state, extending

across a space separating adjacent ring structures, said at least one connector member comprising a first end joined to a first strut member disposed on one ring structure and a second end joined to second strut member disposed on an adjacent ring structure, wherein said at least one connector member is substantially parallel with said first and second strut members when said stent is in said unexpanded state and said connector member is angled when said stent is in an expanded shape, and wherein said at least one connector member is biodegradable along an entire length thereof between said first end and said second end and is adapted to biodegrade when said stent is in an expanded state so that said two ring structures become substantially disjointed,

wherein said at least one connector member remains substantially parallel with said first and second strut members when said stent is in an expanded state until said two ring structures become substantially disjointed.

As described above in conjunction with claim 48, the combinations of Camrud and Smith as contemplated by the Examiner fail to teach or suggest a connecting member extending across a space separating adjacent ring structures, the connecting member having a first end joined to a first strut member disposed on one ring structure, and a second end joined to a second strut member disposed on an adjacent ring structure, and the connector member is biodegradable along its entire length. Furthermore, neither Camrud nor Smith teach or suggest a biodegradable connector member that is substantially parallel with the first and second strut members when the stent is in the unexpanded state, and the connector member is angled when the stent is in an expanded state, wherein the connector member remains substantially parallel with the first and second strut members when the stent is in an expanded state until the two ring structures become substantially disjointed, as recited in amended claim 50. For at least these reasons, the combinations of Camrud and Smith as contemplated by the Examiner do not render independent claim 50, or any claim that depends on claim 50, unpatentable.

V. Conclusion

Applicants submit that the claims, as amended, patentably distinguish over the art of record. Applicants earnestly request expedited consideration and allowance of this application.

Respectfully submitted,

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